



NYC Department of Buildings  
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Patricia J. Lancaster, FAIA, Commissioner

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May 9, 2006

Meenakshi Srinivasan, Chair  
NYC Board of Standards and Appeals  
40 Rector Street, 9th Floor  
New York, NY 10006

Re: Cal. Nos. 353-05-BZY  
614 7<sup>th</sup> Avenue, Brooklyn

Dear Chair Srinivasan:

This letter is to advise the Board as to the validity of the permit issued in connection with this professionally certified application.

**Permit issued on August 31, 2005**

The Department of Buildings' ("the Department") special audit review of this professionally certified application identified zoning and code objections which resulted in the revocation of the permit on November 3, 2005. Due to the serious nature of the objections and the substantial defects in the plans submitted to obtain the permit,<sup>1</sup> the Department's position is that the permit issued on August 31, 2005 was not valid and was properly revoked on November 3, 2005. Therefore, the Department respectfully requests that the Board exclude any work performed under this permit when considering the vesting application.

**Reinstatement on November 15, 2005**

The revoked permit was reinstated on November 15, 2005 at 2:41 p.m. A preliminary further review of the revised plans submitted for the reinstatement indicates serious zoning violations. The Department is still in the process of finalizing a list of objections and issuing a 10-day notice of revocation notwithstanding the permit's lapse.

If the Department determines that the permit was improperly reinstated, the Board may not find that the project vested, as a project may only vest in reliance on a valid permit. Even if the Department does not revoke the reinstated permit, the Department respectfully submits that the Board may only consider construction and expenditures made in reliance on the permit reinstated on November 15, 2005 and not the earlier permit. A permit that is reinstated after revocation requires full compliance with all new laws and should be considered a new permit for vesting purposes lest an applicant benefits from work retroactively legitimized in error.

<sup>1</sup> Copy of the objection sheet is attached

Thus to the extent that the Board intends to consider vesting in reliance on the reinstated permit, the Department respectfully requests that the Board allow the Department two more weeks to finalize the review of the revised plans and issue the intended 10-day notice and then an additional two weeks to determine whether the permit will be revoked notwithstanding the permit's lapse.

Respectfully submitted,



Angelina Martinez-Rubio  
Assistant General Counsel

cc: Patricia J. Lancaster, FAIA, Commissioner  
Stephen P. Kramer, Chief of Staff  
Phyllis Arnold, General Counsel  
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